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22 Attorneys for Defendants
23 WELLS FARGO BANK, N.A.; WELLS FARGO &
24 COMPANY

25 UNITED STATES DISTRICT COURT

26 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

27 MONTE RUSSELL and DANIEL
28 FRIEDMAN, on behalf of themselves
and others similarly situated,

29 Plaintiff,

30 vs.

31 WELLS FARGO AND COMPANY
32 and WELLS FARGO BANK, N.A.,

33 Defendants.

34 CASE NO. C 07-03993 CW

35 JUDGE CLAUDIA WILKEN
36 COURTROOM 2

37 **STIPULATION RE
38 WITHDRAWAL OF CONSENT OF
39 SUSANNE MAGILL TO BECOME
40 A PARTY PLAINTIFF;
41 [PROPOSED] ORDER
42 APPROVING WITHDRAWAL**

43 Plaintiffs Monte Russell and Daniel Friedman (“Plaintiffs”) and Defendants
44 Wells Fargo Bank, N.A., and Wells Fargo & Company (“Defendants”), through
45 their respective counsel, hereby stipulate as follows:

1 WHEREAS, Susanne Magill, a putative collective action member, received
2 notice of this action pursuant to this Court's order dated September 3, 2008, and
3 signed a document entitled Consent to Join the FLSA Collective Action ("Consent
4 Form") on October 5, 2008, thereby giving her consent to become a party plaintiff
5 in this action;

6

7 WHEREAS, on October 17, 2008, Plaintiff filed a Notice of Filing Consent
8 to Become a Party Plaintiff, which included Ms. Magill's Consent Form ("Notice")
9 (ECF No. 66);

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11 WHEREAS, Susanne Magill wishes to withdraw her Consent Form; and

12

13 WHEREAS, Defendants agree to the withdrawal of Ms. Magill's Consent
14 Form;

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16 NOW, THEREFORE, through their respective counsel, THE PARTIES
17 HEREBY STIPULATE AS FOLLOWS:

18

19 1. Susanne Magill's Consent to Join the FLSA Collective Action is
20 hereby withdrawn;

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22 2. Ms. Magill is no longer a party plaintiff to this action;

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1 3. Ms. Magill's rights shall be determined as though she never signed the
2 Consent Form.

DATED: December 9, 2008 LARSON KING, LLP
T. JOSEPH SNODGRASS
KELLY A. SWANSON

By: *J. J. Snodgrass*
T. JOSEPH SNODGRASS

Attorneys for Plaintiffs
MONTE RUSSELL AND DANIEL FRIEDMAN

DATED: December 9, 2008 HODEL BRIGGS WINTER LLP
GLEN L. BRIGGS
THERESA A. KADING

By: *Theresa Kad Ying*
THERESA A. KADING

Attorneys for Defendants
WELLS FARGO BANK, N.A.; WELLS FARGO
& COMPANY

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that:

1. Susanne Magill's Consent to Join the FLSA Collective Action is hereby withdrawn;
 2. Ms. Magill is no longer a party plaintiff to this action;
 3. Ms. Magill's rights shall be determined as though she never signed the Consent Form.

12/12

Dated: _____, 2008____

Claudia E. Witt

CLAUDIA WILKEN DISTRICT COURT JUDGE

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss:
)

I am employed in the County of Orange, State of California. I am over the age of 18, and not a party to the within action. My business address is Hodel Briggs Winter LLP, 8105 Irvine Center Drive, Suite 1400, Irvine, CA 92618. On this date I served the following documents:

**STIPULATION RE WITHDRAWAL OF CONSENT OF SUSANNE
MAGILL TO BECOME A PARTY PLAINTIFF; [PROPOSED] ORDER
APPROVING WITHDRAWAL**

on the parties shown below:

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BY ELECTRONIC MAIL WHERE INDICATED:

Pursuant to C.R.C. 2060, I served the foregoing document described by emailing to it each of the aforementioned electronic mail addresses and the transmission was reported as complete and without error.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 9, 2008, at Irvine, California.

/s/Valerie Beechler
Valerie Beechler